

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07cr154

**FILED**  
CHARLOTTE, NC

JUL 20 2007

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA )

vs. )

KATHLEEN GIACOBBE )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon the government's Motion to Stay the magistrate judge's release order in Middle District of Florida Case No. 8:07-MJ-1342MSS. For the reasons stated below, the Court will GRANT the motion pending review of the release order.

Title 18, United States Code, Section § 3145 provides that when a defendant is ordered released by an out-of-district judge, the court having original jurisdiction over the offense may review the release order. Here, the defendant was indicted on July 18, 2007, in this district for an alleged drug trafficking conspiracy involving obtaining hydrocodone by fraudulent prescriptions. (Doc. No. 3). After an initial appearance in the Middle District of Florida, the defendant was ordered released by a magistrate judge. The government has now moved for revocation of the release order and for stay of the release order pending review by this Court.

**IT IS, THEREFORE, ORDERED** that the magistrate judge's release order is **STAYED** and the defendant is committed to the custody of the Attorney General pending determination of the government's motion.

**IT IS FURTHER ORDERED** that, to the extent practicable, the defendant shall be confined in a corrections facility separate from persons awaiting or serving sentences or being

held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States marshal for the purpose of an appearance with a court proceeding.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation office.

Signed: July 20, 2007

A handwritten signature in black ink, appearing to read "Robert J. Conrad Jr.", written in a cursive style.

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ROBERT J. CONRAD JR., CHIEF JUDGE  
WESTERN DISTRICT OF NORTH CAROLINA